IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28586 of 2007(C)

PETITIONER:

CELEENA ANTONY, AGED 42, W/O ANTONY,
ALAPPATT HOUSE, KSRTC ROAD, CHALAKUDY,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:
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1. THE KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM, REP.BY ITS SECRETARY,
THIRUVANATNHAPURAM- 695 001.

2. THE STATE OF KERALA,
REP.BY THE SECRETARY TO THE GOVT.,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
SRI.KUVAPPALLY M.RAMACHANDRAN NAIR, SC, KSHB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 28586 OF 2007
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Dated this the 27th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to make use of the land acquired from the petitioner for the purpose for which it was acquired or in the alternative to return the land to the petitioner. In so far as the prayer for returning the land is concerned, it is the settled position of law that once land is acquired under the provisions of the Land Acquisition Act, even if it is not used for the purpose for which such acquisition has been made, the owner has no right to demand its return. This is covered against the petitioner by Supreme Court judgment in **Government of A.P. And another v. Syed Akbar (2005(1) SCC 558)**.

2. The other prayer for directing to use the land for the purpose for which this was acquired also has no substance. If the land is acquired for one public purpose, it can be made use of any other public purpose as well.

3. However, if the land is made use for any objectionable

purpose as now submitted by the learned counsel for the petitioner, it is for the petitioner to seek appropriate relief from the Civil Court.

Writ petition is dismissed.

ANTONY DOMINIC, JUDGE.

Rp